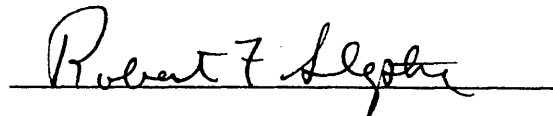


Supreme Court of Kentucky

IN RE: ORDER APPROVING AMENDED LOCAL RULES, 31ST
JUDICIAL CIRCUIT, FLOYD COUNTY

The Amended Local Rules of the 31st Judicial Circuit,
Floyd County, is hereby approved by the undersigned.

ENTERED January 7, 1998.

A handwritten signature in cursive script, reading "Robert F. Stephenson", is written over a horizontal line.

Chief Justice

**FLOYD CIRCUIT COURT
DIVISION NOS. I & II**

**IN RE: DOMESTIC FACILITATORS
 EDUCATIONAL PROGRAM**

AMENDED ORDER OF PROCEDURE

The Courts being aware of the adverse effects that divorces create with minor children of divorcing parties and in order to diminish such effects and encourage the parties of the divorce action not to involve their children in said action to their detriment, it was apparent that a program was necessary to help further this purpose.

The Circuit Courts of the 31st Judicial Circuit, having heretofore established a need of domestic facilitators education for affected litigants coming before the court in domestic relations actions now appoints Domestic Facilitators Group to implement and conduct the Program under the following guidelines and procedures for the handling of funds and the reporting of participation by litigants.

1. The Domestic Facilitators Program personnel shall notify affected litigants of the time, date and place they shall appear to meet with Program personnel.

2. Domestic Facilitators Group personnel shall collect fees imposed by the Court upon litigants for education,

and together with a list of litigants who attended, shall turn over said funds to the following Court personnel:

- a) List of participants to the Clerk of the Court who shall maintain a file for the collection of such lists;
- b) Fees collected to Floyd County Bar Association;

And further provide a true copy of the list filed with the Clerk to the Circuit Judges. This list shall contain notations as to whether the participants have paid the required fee, failed to pay the required fee, or were exempt from payment because of a Court Order allowing the litigant to proceed *informa pauperis*.

3. Domestic Facilitator Group personnel shall file with the Clerk of the Court, to be placed in the litigants' case file, a Certificate showing successful course completion by the litigant within Ten (10) days after the litigant's successful completion of the required course. The Courts also urge the Domestic

Facilitators Group personnel to provide attending litigants with certificates showing course completion.

4. Domestic Facilitators Group personnel shall file with the Courts notification concerning litigants who has failed to participant in the Program within Ten (10) days of the their failure. In the event of such failure and notification of same, the appropriate Circuit Court in which the litigant's case is pending shall issue an Order compelling the attendance of the litigant at a future meeting of the Program, or, an Order of sanction and/or admonishment, or a letter from the Court to the litigant informing the litigant of his or her required attendance, or all of the above, or any part thereof, within the discretion of the Court.

5. Domestic Facilitators Group personnel shall, with the notification of a litigant's failure to participate, also tender to the Court, a proposed Order or letter, as the issuing Court may direct, sufficient for execution by the Court, to be sent or served upon the non-participating litigant to inform the litigant

of the action the Court deems appropriate under the circumstances of the litigant's failure.

6. In the event of repeated failure to participate by a litigant, after the litigant has been advised by Order or letter as specified above, the appropriate Circuit Court, wherein the litigant's case is pending, shall issue a Show Cause Order against the litigant, requiring the litigant to appear before the Court at a date, place and time certain to show cause why the litigant should not be held in contempt for his or her failure to participate. A proposed Show Cause Order, sufficient for execution, shall be tendered by Domestic Facilitators Group personnel with its notification of non-participation as required by this numeral paragraph, should the Court direct.

7. The Domestic Facilitators Group shall be compensated in the sum of \$25.00 per litigant, less 10%, who is required to participate in the Program and shall be paid within Five (5) days after fees collected by Domestic Facilitators

Program personnel are turned over to the Floyd County Bar Association pursuant to numeral paragraph 2 above. Payment shall be by check or other appropriate instrument establishing a record of payment. In the event of payment by check, the payee shall be the Domestic Facilitators Group or other such name, as the Program Managers so direct.

8. Participating litigants who have been declared indigent by the Court, upon the issuance of an Informa Pauperis Order in the litigant's case, shall participate in the Program without charge unless otherwise specified by the Court in an appropriate Order filed in the litigant's case.

9. Litigants who have caused the Program to incur extraordinary expense because of the litigant's failures to participate may, within the discretion of the Court, be assessed additional costs should the Judge of the litigant's case deem same appropriate.

10. Domestic Facilitators Group personnel shall

meet with the Courts from time to time as the Courts may direct to review content of the course as well as discuss other issues which affect the domestic facilitators' program as implemented by the Courts. Such meetings shall occur at the times and places as designated by the Courts.

11. The term "Court" as used in this Order means the Trial Court wherein a particular litigant's case is pending. The term "Courts" refers to the Courts of Division I and II of the Floyd Circuit Court.

THIS _____ day of _____ 1997.

**HON. DANNY P. CAUDILL, JUDGE
FLOYD CIRCUIT COURT
DIVISION NO. I**

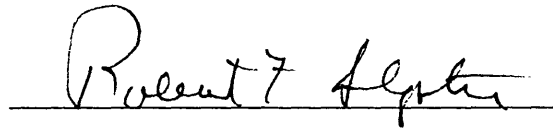
**HON. JOHN DAVID CAUDILL, JUDGE
FLOYD CIRCUIT COURT
DIVISION NO. II**

Supreme Court of Kentucky

IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE FOR THE
31ST JUDICIAL CIRCUIT, FLOYD COUNTY

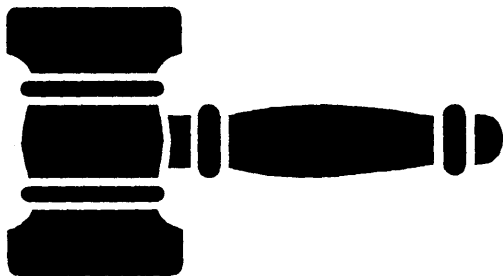
The Local Rules of Practice for the 31st Judicial
Circuit, Floyd County, are hereby approved by the undersigned.

ENTERED December 18, 1996.

A handwritten signature in cursive script, reading "Robert F. Taylor", is written over a horizontal line.

Chief Justice

**RULES OF THE
FLOYD CIRCUIT COURT**



RULES OF PRACTICE OF THE
FLOYD CIRCUIT COURT
THIRTY-FIRST JUDICIAL DISTRICT

INTRODUCTION

These rules apply to the practice of law in the Floyd Circuit Court, both civil and criminal practices, and are intended to supplement the Kentucky Rules of Civil Procedure and the Kentucky Rules of Criminal Procedure. If any of these rules come into conflict with the Kentucky civil or criminal rules as a result of an amendment to the civil or criminal rules, then these rules shall be construed in conformity with and subject to the Kentucky civil or criminal rules.

The effective date of these rules shall be January 1, 1997, and all previously adopted rules of this Court and amendments thereto are hereby rescinded. The Parent Education Clinic provision of Rule 13A shall not become effective until both Judges of the Floyd Circuit Court have certified that the program is ready to be implemented.

RULE 1. CITATION OF RULES:

These rules may be cited as "RFCC" or "Rules of Floyd Circuit Court".

RULE 2. SESSIONS OF COURT:

The Floyd Circuit Court shall be a Court of continuous session, except for scheduled holidays as set by AOC. No Court shall be docketed during the Kentucky Judicial Conference and the Kentucky Bar Association's Annual meeting except by agreement of the parties or in case of emergency.

RULE 3. MOTION DAYS:

(a) Excepting legal holidays, and unless otherwise ordered by the Court, the first and third Friday of each month shall be the regular motion day for Division I and the

second and fourth Friday of each month shall be the regular motion day for Division II within the meaning of Rule 78 Kentucky Rules of Civil Procedure.

(b) All motions, civil and criminal, to be heard at motion day shall be filed and clocked no later than 4:00 o'clock p.m. on the Tuesday preceding the appropriate motion day. Motions filed after said time except in an emergency situation, shall automatically be passed to the next following motion day and placed by the clerk on the next appropriate motion docket.

(c) The motion shall state the date when it will be brought up for hearing and shall contain a certificate of service showing by what means and when it was served on opposing parties.

(d) The Clerk will prepare, post in his office, and make copies available to attorneys, a motion docket for each regular motion day on which shall be listed all motions to be heard, showing the style and number of case, the nature of the motion and the attorneys of record. There shall be a separate docket prepared for domestic relations cases to be heard by the Domestic Relations Commissioner.

(e) When the motion is called, respective participating counsel shall stand in place, answer the call, and advise the Court if a hearing is necessary in the matter. If a hearing is necessary, the motion shall be passed to the second call of the docket, or to such time as the Court may desire.

(f) The motion docket will be called at the commencement of court on each regular motion day and will be heard and disposed of, as far as practicable, in the order in which they appear on the docket. Only motions appearing on the docket of each motion day will be heard and disposed of on that day, except upon notice, and no motion will be heard or disposed of at any other time unless it involves some extraordinary proceedings, such as

attachment, injunction, restraining order, writ of possession or motion for rule, and then only upon notice and special assignment, except for emergencies and ex parte orders which may be considered within the discretion of the Court.

(g) Motions passed to the next motion day shall be placed by the clerk on the next appropriate motion docket.

RULE 4. DOMESTIC MOTIONS:

Motions on Post Decree, i.e. (domestic relations), matters should also give ten days notice prior to the date requested for the hearing, with notice on these matters to be given to the parties involved, in addition to the attorney of record.

RULE 5. PRETRIAL CONFERENCE-CIVIL CASES:

(a) Pretrial Conferences shall be held as a matter of course in all jury actions upon motion of either party or upon the Court's own motion. Pretrial Conferences in all other actions shall be discretionary with the Court upon its own motion or upon motion of a party to the action.

(b) Except for good cause shown or as otherwise modified by order of the Court, before a case is heard at the pretrial conference the parties shall comply with the following:

1. Pleadings shall be completed and issues identified.
2. Discovery proceedings completed, or certified to be completed prior to trial date.
3. Medical, technical and expert testimony, if by deposition, to be taken and filed.
4. Submit any maps, diagrams or photographs expected to be used at trial.

5. Be prepared to stipulate facts, admit documents and withdraw allegations whenever possible without prejudice to the presentation of the case by either party.

6. File copies of medical bills and evidence of special damages as are subject to discovery under the Rules of Civil Procedure.

7. Parties shall have persons present with complete settlement authority.

8. If a pretrial order is not entered at the time, the attorneys shall be responsible for preparation and submission of a pretrial order, incorporating the Court's rulings, agreements or stipulation of the parties and any other matter designated by the Court not later than 10 days following the pretrial conference.

(a) The Court may require each party to submit a pretrial brief, consisting of a short memorandum of counsel's view of the facts and law upon which counsel will rely and, if so, the Court will fix the time for filing such briefs in the Pretrial Order.

(b) At the pretrial conference the action may be assigned for a trial date, or assigned for another pretrial conference if necessary upon a showing of good cause. The Court will not accept agreed orders to continue, either pretrial conferences or trial dates except upon a showing of good cause. If any cases are settled prior to trial date, the Court shall be notified at least five (5) days prior to the day assigned for the trial and if such notification is not given, the responsible party shall be assessed the actual fee and expense for each juror present, as well as any additional costs the Court may assess.

RULE 6. CRIMINAL ARRAIGNMENT:

(a) All defendants shall be arraigned as soon as practical following the return of the indictment or information.

(b) Both the defendant and his or her attorney must be present at the

arraignment. If the defendant is not represented by an attorney, the Court shall, before the arraignment, appoint counsel to represent the defendant at the arraignment. Unless relieved by the Order of the Court, the attorney appearing for the defendant at the arraignment shall represent the defendant in all future stages of the proceeding.

RULE 7. PRETRIAL CONFERENCE-CRIMINAL CASES:

(a) At the time of arraignment, each case shall be assigned for pretrial conference. Pretrial conferences shall be held as matter of course in all criminal cases.

(b) The attorney appearing for the defendant at arraignment, unless previously relieved by order, shall be in attendance at the pretrial conference and shall submit such written motions as the attorney shall expect to offer in the case at least ten (10) days prior to the conference. No additional motions may be offered after pretrial conference except by leave of Court upon a showing of excusable neglect if it concerns a matter of which the attorney was not aware or which did not come to the attorney's attention prior to the time of pretrial conference or in the interest of justice.

(c) At the pretrial conference, the case shall be assigned for trial on a day certain. The Court may at anytime reassign the trial of a criminal case to another date.

RULE 8. TIME FOR BEGINNING TRIALS:

Unless otherwise ordered, Court shall begin at 8:30 a.m. and all parties and counsel shall be present in Court at that time. Unless otherwise directed, jurors will be summoned to appear at 9:00 a.m. and trial of the first case docketed for trial shall begin promptly at that time.

RULE 9. MOTIONS, PLEADINGS, AND BRIEFS:

All motions, pleadings and orders shall be typewritten, and shall be double spaced, except legal descriptions of real property, or citations from statutes, codes, cases or

other legal publications. All motions and pleadings shall contain the name, address and phone number of movant's counsel. Motions concerning any discovery matter shall not be filed unless counsel has contacted opposing counsel and certifies in the motions that they have been unable to resolve their differences.

RULE 10. DISMISSAL OF ACTION:

Pursuant to CR 77.02(2), when any action has remained on the Civil Docket for one year without any step being taken indicating an intention to prosecute said action, the action may be dismissed for want of prosecution on motion of either party or on the Court's own motion.

RULE 11. RECORDS:

(a) The Clerk shall see that every paper filed in a case shows, upon its face, the style and number of the action, the Division in which it is pending, and identifies the nature of the paper. Every paper filed in a case shall bear on the first page the date of filing. If filed in the Clerk's office, the paper shall be clocked in by the Clerk's official filing stamp. If the paper is filed directly with the Judge or Clerk in Court, the Clerk shall note upon the paper "Filed in Court" and affix his or her initials.

(b) The Clerk shall not permit any person, except a deputy or employee in his or her office, to take papers or files from the cabinet in which they are stored.

(c) No record or part thereof shall be taken from the Clerk's office, except as follows:

1. Upon request from the Judge or the Master Commissioner, it shall be delivered to the Judge, the Judge's secretary, or to the Master Commissioner.

2. It may be delivered to an official stenographic reporter for the purpose of preparing a transcript of evidence.

3. To others in pursuance of a statute authorizing or requiring such removal, in obedience to legal process or order of the Court.

4. To an attorney upon written order of the Court, which order shall specify when the record or part thereof shall be returned, and the attorney must acknowledge receipt for the record or part thereof on such order, and when return is made, the Clerk shall endorse his or her receipt from the attorney on such order.

(a) The Commissioner and official stenographic reporters shall acknowledge receipt of the Clerk for any record or part thereof taken by them from the Clerk's office, and shall not permit it to be taken from their control.

(b) Any violation of this rule may be dealt with by the Court in such manner as seems proper to the Court.

(c) Except by leave of Court, the Clerk shall not permit any paper once filed to be withdrawn. Unless specifically stated to the contrary in the order of the Court permitting such withdrawal, the Clerk shall see that a true copy is retained in the file at the cost of the party withdrawing it.

(d) Photostatic or other copies of records shall be made sufficiently large to be easily read. Attested copies of all records filed, whenever practicable, shall have endorsed thereon the date (day, month and year) that said copy was made.

RULE 12. MEDIATION

(a) CAUSES FOR MEDIATION:

Any judge may refer any civil case to mediation except a habeas corpus case or election contest.

(b) REFERRAL TO MEDIATION:

1. The Judge may, by appropriate order, refer the case to mediation

with or without the consent of the parties. Cases shall be referred to a Court approved mediator.

2. Any party may move to enter an order disqualifying the mediator for good cause. If the Court rules that a mediator is disqualified from mediating the case, an order shall be entered setting forth the name of a qualified replacement. Nothing in this provision shall preclude mediators from disqualifying themselves or refusing any assignment. The time for mediation shall be tolled during any periods in which a motion to disqualify is pending.

3. Referral of case to mediation shall not operate as a stay of discovery proceedings unless otherwise ordered by the Court or agreed to in writing by the parties.

(c) MEDIATION CONFERENCES

1. The parties shall contact the mediator within five (5) days from the entry of the order to schedule a mediation conference, which shall be held within thirty (30) days from the entry of the order, unless extended with leave of court which shall be granted for good cause shown.

2. The parties shall attend a mediation conference(s). Counsel may also be present. Such a conference shall be conducted by the mediator to consider the possibility of settlement, the simplification of the issues and any other matters which the mediator and the parties determine may aid in the handling or the disposition of the proceedings.

3. The mediator may schedule such sessions as are necessary to complete the process, and the mediation shall continue until the parties have reached a settlement, until they are unwilling to proceed further, or until the mediator determines that

further efforts would be futile.

4. If a party fails to appear at a duly noticed mediation conference without good cause, the Court, upon motion shall impose sanctions, which may include an award of attorney fees and other costs against the party failing to appear. If a party to mediation is a public entity, that party shall be deemed to appear at a mediation conference by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision-making body of the entity. In all other cases, unless stipulated by the parties, a party is deemed to appear at a mediation conference if the following persons are physically present or immediately available by telephone:

(i) The party or representative other than the party's counsel of record having full authority to settle without further consultation; and

(ii) A representative of the insurance carrier for any insured party who is not such a carrier's outside counsel and who has full authority to settle without further consultation. The party's counsel of record, if any, may also be present.

5. The mediator may request that the parties bring documents or witnesses, including expert witnesses, to the sessions, but has no authority to order such production.

(d) **CONFIDENTIALITY:**

1. Except as otherwise provided by this rule or ordered by the Court for good cause shown, all mediation documents and mediation communications are confidential and shall not be disclosed. They are not subject to disclosure through discovery or any other process, and are not admissible into evidence in any judicial or administrative proceeding.

2. No part of the mediation proceedings shall be considered a public record.

3. There is no confidentiality and no restriction on disclosure under this rule to the extent that:

(i) All parties consent in writing to disclosure; or

(ii) The mediation communication or mediation document gives the mediator or persons associated with the mediator's office, knowledge of or reasonable cause to suspect that a child or a spouse has been abused or a child has been neglected; or

(iii) The mediation communications were made in furtherance of the commission of a crime or fraud or as part of a plan to commit a crime or fraud.

4. Nothing in this rule shall be constructed so as to permit an individual to obtain immunity from prosecution for criminal conduct.

(e) REPORTING TO THE COURT:

1. The mediator shall notify the Court promptly when a case is not accepted for mediation.

2. At any time after a case has been accepted, the mediator may refer it back to the Court for good cause, which shall be in writing.

3. If a case is settled prior to or during mediation, an attorney for one of the parties shall prepare and submit to the Court an order reflecting the fact of settlement as in any other case.

4. If some, but not all of the issues in the case are settled during mediation or if agreements are reached to limit discovery or in any other matter, the parties shall submit a joint statement to the court enumerating the issues that have been resolved and the issues that remain for trial. This statement shall be submitted within 10 days of the

termination of mediation. Unsettled cases shall then be returned to the Court's active docket.

5. At the conclusion of the cases accepted for mediation, the mediator will report to the Court the fact that the mediation process has ended. If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall report the lack of an agreement to the Court without comment or recommendation. With the consent of the parties, the mediator's report may also identify any pending motions, outstanding legal issues, discovery process or other action by any party which, if resolved or completed, would facilitate settlement.

(f) **MEDIATION FEES:**

1. Except as provided in paragraph two herein, the fee paid to the Mediator selected by the court under Local Rule No. 12, will not exceed the sum of one thousand dollars (\$1,000.00), unless a larger sum is agreed to by all of the parties in the case.

2. In the event that the case referred to mediation is extraordinary in terms of its complexity by reason of the particular factual circumstances, legal issues or number of parties involved, the Circuit Court may authorize an increase in the fee awarded to the Mediator, however, prior to the conducting of the mediation session, the Circuit Court shall establish the maximum amount of the increased fee and then notify all parties of the same and allow said parties an opportunity to contest said increase in fee.

RULE 13.

DOMESTIC RELATIONS:

(a) The Domestic Relations Commissioner shall hear all contested and uncontested matters arising from actions for dissolution of marriage, child custody, support, and maintenance under KRS Chapter 403, except that incarceration resulting from a finding of contempt shall be imposed only after a hearing before the Court at which time the Court

shall permit additional evidence and shall give the party charged with contempt an opportunity to purge themselves of such contempt.

(b) Proceedings for restraining orders and injunctions shall be heard only by the Court on recommendation by the Commissioner.

(c) All post judgment motions in Domestic Relations matters to enforce or modify a final decree of child support, custody, visitation, maintenance or disposition of marital property shall be referred to the Domestic Relations Commissioner, who shall conduct a hearing upon the motion and then make recommendations to the court. The recommendations shall be in the form of a proposed order which shall be signed by the Domestic Relations Commissioner.

(d) Petitions for adoption or termination of parental rights will not be referred to the Domestic Relations Commissioner.

(e) The Domestic Relations Commissioner shall preside over all hearings concerning temporary orders for child custody, visitation, support and maintenance and then make recommendations to the court. The recommendations shall be in the form of a proposed order and be signed by the Domestic Relations Commissioner.

(f) The Domestic Relations Commissioner shall make his final findings and recommendations forty-five (45) days from the date an action is submitted.

(g) Prior to the filing of a motion requiring a hearing in excess of fifteen (15) minutes to be heard before the Domestic Relations Commissioner, counsel for the moving party shall contact the Domestic Relations Commissioner to schedule a time for the hearing on the motion and inform the Domestic Relations Commissioner of the anticipated length of the hearing.

(h) The time and date and place of the hearing shall be included in the notice

served upon the opposing parties.

(i) If the matter to be heard is resolved prior to the time of a hearing, the Domestic Relations Commissioner shall be promptly notified.

(j) The Domestic Relations Commissioner shall be entitled to compensation for matters heard by or referred to the Commissioner in the amount of Forty (\$40.00) Dollars for each hour.

(k) The fees shall be prorated to the quarter hour.

(l) A Domestic Relations schedule shall be filed within fifteen (15) days from the filing of a petition. The Respondent may refute this in the answer with a sworn counter disclosure statement or the Petitioner's itemized listing will be accepted as agreed or stipulated.

(m) An original and one (1) copy of all motions shall be filed. The original shall be placed in the Court file and the copy placed in the Domestic Relations Commissioner's box.

(n) Motions may be sustained if they appear in order and there is no response.

(o) That pursuant to the Administrative Procedures of the Court of Justice, Part IV, Section IV, the Domestic Relations Commissioner shall be entitled to receive a fee of forty dollars (\$40.00) per hour, assessed at a rate of ten dollars (\$10.00) for every quarter hour or part thereof. The Domestic Relations Commissioner shall be entitled to collect the sum of ten dollars (\$10.00) in advance of conducting a hearing upon any motion filed. The Clerk shall collect the ten dollar (\$10.00) fee for the Domestic Relations Commissioner when each motion is filed. The payment of the ten dollar (\$10.00) fee in advance will entitle the party to a hearing of no more than one-fourth (1/4) of an hour.

(p) The fee shall be collected upon each motion whether filed separately or together.

(q) The title shall separately list each motion.

(r) The Commissioner shall assess such additional fee as is necessary in matters which exceed the anticipated times.

(s) Fees shall not be required from a party proceeding in forma pauperis.

(t) The maximum fee which may be accessed by the Domestic Relations Commissioner in any case, regardless of the number or length of hearings, shall be six hundred dollars (\$600.00), unless a greater fee is recommended by the Circuit Court and approved by the Chief Justice for extraordinary circumstances shown. If a case is reopened, additional fees totalling not more than two hundred dollars (\$200.00) may be accessed unless a greater fee is recommended by the Circuit Court and approved by the Chief Justice for extraordinary circumstances shown.

(u) Final hearings may be scheduled by approved appointment with the Commissioner's office.

(v) The Commissioner shall record all hearings.

(w) Any case in which the Domestic Relations Commissioner withdraws due to a conflict shall be heard by the Master Commissioner or Special Commissioner as the Court may designate. The case shall be designated under the case name as "Assigned to Master Commissioner or Special Commissioner".

(y) Nothing contained herein shall prevent an individual from proceeding with pro se representation and said individual proceeding pro se shall comply with the same provisions as if he or she were represented by an attorney.

RULE 13A.

(a) No proceeding for dissolution of marriage, including joint petitions, shall be assigned for final hearing until twenty days have elapsed following the date the joint petition is filed or the respondent is actually summoned or is deemed to have been summoned by warning order. In no event shall any such case be assigned for trial before twenty days have elapsed following the entry of appearance, service of summons, appointment of a warning order attorney, the filing of an entry of appearance or a responsive pleading, whichever occurs first. This section shall only apply to proceedings which do not involve minor children who are issue of the marriage. As per KRS 403.044, in any proceeding involving minor children who are issue of the marriage, there shall be no testimony taken, other than on temporary orders, until sixty (60) days have elapsed from the date of the service of summons, the appointment of warning order attorney, the filing of a notice of appearance or a responsive pleading by the Defendant, whichever occurs first.

(b) If there are minor children of the marriage, a proceeding for dissolution of marriage shall not be assigned for final hearing until the parties have attended and participated in the Parents Education Clinic held at least once each month in the Floyd County Courthouse or such other location as may be approved by the Court.

(c) If a party refuses or fails to attend the clinic, the Court may make such orders in regard to the failure or refusal as are just, and among others the following: (1) An order refusing to assign a trial date until the party requesting the trial date attends the clinic; (2) An order reserving the granting or approval of final custody; and (3) In lieu of any of the foregoing orders or in addition thereto, an order treating as to contempt of court the failure to obey an order to attend the clinic.

(d) If the parties have been previously referred to mediation by the Court or

they have obtained other professional counseling regarding custody and visitation, the Court may, upon the written recommendation of such counselor, waive the requirement that parties attend the clinic and assign the matter for trial.

APPENDIX OF APPROVED FORMS

COMMONWEALTH OF KENTUCKY
FLOYD CIRCUIT COURT
DIVISION NO. ____
C.A. NO. _____

NAME PLAINTIFF
V. ORDER TO PARTICIPATE
IN MEDIATION
NAME DEFENDANT

Pursuant to Rule 12 of the Floyd Circuit Court, it is hereby **ORDERED** that the parties are referred to the _____, for the purpose of mediating this matter.

The parties shall contact the mediator within five (5) days from entry of this order to schedule a mediation conference.

The parties and representatives of their insurers, if any, with full authority to settle shall attend a mediation conference and the parties shall use their best efforts to resolve all issues.

Failure to participate in good faith, or to abide by all reasonable requests, may result in sanctions as authorized by CR 37.02. If for any reason this case is not mediated pursuant to this order, the parties shall report to the Court promptly the reason therefore.

Date this the ____ day of _____, 19____.

JUDGE,

CERTIFICATE OF SERVICE

This is to certify that an attested copy of the within Order was served by mail or hand delivery to the following on this the ____ day of _____, 199__:

- Mediator:
- Attorneys of Record:
- Parties Proceeding Pro Se:

INFORMATION FOR MEDIATOR

NATURE OF CASE:

- | | |
|--|---|
| <input type="checkbox"/> Personal Injury | <input type="checkbox"/> Landlord/Tenant |
| <input type="checkbox"/> Medical Negligence | <input type="checkbox"/> Domestic Relations |
| <input type="checkbox"/> Creditor/Debtor | <input type="checkbox"/> Employment |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Environmental |
| <input type="checkbox"/> Contract, please specify: _____ | |
| <input type="checkbox"/> Other: _____ | |

Comments/Special Instructions:

COMMONWEALTH OF KENTUCKY
FLOYD CIRCUIT COURT
DIVISION NO. _____
C.A. NO. _____

DOMESTIC RELATIONS SCHEDULE

IN RE: THE MARRIAGE OF:

ATTORNEY FOR PETITIONER

AND

ATTORNEY FOR RESPONDENT

() PETITIONER'S

() RESPONDENT'S

A. EMPLOYMENT STATUS:

(1) Employer _____

Gross Income
before deductions: _____ \$ _____

(2) Other Income:

Source: _____

Amount: _____ \$ _____

B. ADJUSTED GROSS INCOME FOR
LAST FIVE (5) YEARS
(Copies of U.S. Tax Returns for last
three (3) years are attached hereto.)

1995 \$ _____ 1992 \$ _____

1994 \$ _____ 1991 \$ _____

1993 \$ _____

PROPERTY SCHEDULE

I. MARITAL PROPERTY:

A. Real Estate: (Attach copy of Deed and, if financed copy of bank appraisal.)

	Description	Value	Lien	Equity
(1)	_____	_____	_____	_____
	_____	_____	_____	_____
(2)	_____	_____	_____	_____
	_____	_____	_____	_____
			TOTAL:	_____

B. Personal Property: (List automobiles, household goods, and other items.)

	Description	Value	Lien	Equity
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____
(5)	_____	_____	_____	_____
(6)	_____	_____	_____	_____
(7)	_____	_____	_____	_____
(8)	_____	_____	_____	_____
(9)	_____	_____	_____	_____
(10)	_____	_____	_____	_____
			TOTAL:	_____

C. Other Marital Debts: (Do not include above as liens.)

(1)	_____	Amount:	\$ _____
(2)	_____	Amount:	\$ _____
(3)	_____	Amount:	\$ _____

II. () PETITIONER'S NON-MARITAL PROPERTY:
() RESPONDENT'S NON-MARITAL PROPERTY:

A. Real Estate: (Attach copy of Deed and, if financed, copy of bank appraisal.)

	Description	Value	Line	Equity
(1)	_____	_____	_____	_____
	_____	_____	_____	_____

Basis as Designation of Non-Marital:

B. Personal Property:

(1)	_____	_____	_____	_____
	_____	_____	_____	_____

Basis as Designation of Non-Marital:

C. Other Non-Marital Debts: (Do not include debts listed above as liens.)

(1)	_____	Amount:	\$ _____
(2)	_____	Amount:	\$ _____
(3)	_____	Amount:	\$ _____

Basis as Designation of Non-Martial:

REQUEST FOR DIVISION OF PROPERTY

BY: () PETITIONER

() RESPONDENT

(Assets and debts to be designated as Petitioner.)

	Description	Value	Lien	Equity
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				
(8)				
(9)				
(10)				
			TOTAL:	

(Assets and debts to be designated by Respondent.)

	Description	Value	Lien	Equity
(1)				
(2)				
(3)				
(4)				
(5)				
(6)				
(7)				
(8)				
(9)				

(10) _____
TOTAL: _____

III. OTHER INFORMATION

The undersigned states that _____ has read the foregoing schedule and the information set forth therein is true and correct.

AFFIANT

Subscribed, Sworn, and Acknowledged to before my by _____, this
_____ day of _____ 199____.

My Commission Expires: _____

NOTARY PUBLIC